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Re: HB-4770/4771

Mr. Chair, committee members,

What are these bills really about?

The true answer appears in the House Fiscal Agency's legislative analysis as the third item under the summary of arguments for the bills.

The bills weren't offered because some public employers are currently "clearly breaking the law," as is the first offered argument. If what those employers are doing is clearly breaking the law, there would be no need for a new law that says they can't do it.

Nor are the bills simply about saving money, as suggested by the second offered argument. If a university were able to show that a multi-million dollar grant depends on their keeping a professor who will leave without this benefit, does anybody really believe the proponents of these bills would suggest the benefits be offered? If I could prove that the number of taxpayers or businesses who will decline to live or invest in Michigan outnumbered the government employees who will be denied this benefit, would the bills' sponsors withdraw it because lost tax revenue will exceed the projected savings? Of course not -- this isn't about the money.

What this is about is that some public employers are legally providing health benefits to groups that include "same-sex partners". The bills' proponents want to make this illegal.

Michigan voters passed a constitutional amendment saying that such partners cannot be "recognized as a marriage or similar union for any purpose." The Attorney General and Michigan Supreme Court have determined this to prohibit extending benefits to same-sex partners by recognizing their union as similar to a marriage. The "offending" public employers specifically and intentionally provide health benefits to groups that are not in any way considered as married (and which include within them same-sex partners), so as to clarify that the provision of benefits is not dependent on, and does not imply, any such recognition.

The question presented by these bills is not whether it is wise to provide health benefits to groups that include same-sex partners, but whether local governments, universities, and other public employers should be permitted to control the decision for themselves. Within the appropriate laws governing such employment relationships the State is free to determine who is (and who is not) eligible to receive what benefits. Other public employers should have the same local control.

Indeed, the fact that so many of today's proponents are in all other contexts advocates for local government control suggests a recognition that these local entities are acting in their own best self-interests, and thus will continue to offer the benefits absent passage of these bills. The proposed bills are simply intended to usurp this local government control.

Currently it is up to universities, or county boards, or city commissions, or indeed any local government employer to make a determination on whether providing a certain benefit of employment will assist in ensuring the ability to attract and retain desired employees. Michigan voters have limited this authority by prohibiting the conferring of a benefit in a way that either recognizes or treats any union other than marriage as being equivalent to marriage. The legislature should not now take away local government control to provide benefits based upon criteria unrelated to marriage.

As we noted in testimony before the House Committee that considered these bills, enacting them into law may also have a detrimental economic effect on the state.

The question in this regard is where Michigan's real priorities are: Are we serious about wanting to be business friendly and welcoming to all? Or are we so determined to prove that we are more anti-gay than the next state that we will pass laws limiting local government rule out of fear a gay couple might benefit?

In the immigration context we recognize that when someone is thinking of starting a business in – or of moving to – Michigan, they do not only ask whether it is a good place to work, but also whether it is a good place to live. Michigan has recognized the importance of putting out the welcome mat for ALL investors, business startups and skilled workers. The legislature should not amend that message to state that we welcome all, unless they are gay.

Michigan will lose if we hold the welcome mat out with one hand, and but hold a keep out sign in the other.

HB-4770/4771 will do little to address the justifications offered for them, they unnecessarily usurp local governmental authority, and they are likely to work against the economic interests of the State. They should not be passed.